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## “Rape Culture” language and the news media: contested versus non-contested cases

PhD Candidate April COBOS  
Old Dominion University  
USA  
acobos@odu.edu

**Abstract:** The American news media has recently reported on several rape and sexual assault cases in various cultural settings, sparking public conversations about rape culture in different cultural contexts. The article is focused as a Critical Discourse Analysis that compares the language use in news articles from *The New York Times* and *The Wall Street Journal* over a six months period in order to more clearly understand the way the news media uses language in regards to gender and sexual assault and creates a spectrum of valid versus contested reports of sexual assault in different cultural settings.

**Keywords:** rape culture, news media, discourse analysis, sexual assault, masculinity

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*Le langage de la culture du viol et les médias d'information : cas non contestés vs cas contestés*

**Résumé :** Les médias d'information américains ont récemment rapporté plusieurs cas de viols et d'agressions sexuelles dans divers contextes culturels, suscitant des discussions publiques sur « la culture du viol ». L'article se focalise sur une analyse critique du discours comparant le langage utilisé dans les articles de presse du *New York Times* et *Wall Street Journal* sur une période de six mois afin de mieux comprendre la façon dont les médias d'information utilisent le langage lié au sexe et aux agressions sexuelles, et comment ils créent des affaires d'agression sexuelles non-contestées et contestées dans différents contextes culturels.

**Mots-clés :** culture du viol, médias d'information, analyse du discours, agression sexuelle, masculinity

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**Introduction**

Over the past year, controversial sexual assault cases have made headlines in American newspapers. These cases have been tied to public, and social media, discussions of Rape Culture and cultural perceptions of sexual assault. In reading and reviewing these news reports and the follow-on commentary, I began to question whether or not there were distinctions between the types of articles to make headlines in American newspapers in relation to sexual assault and rape cases in the United States and those in foreign countries, particularly with regards to third-world countries. Based on these initial questions, I analyzed national American newspapers and argue that my findings suggest there are significant distinctions between the types of American cases making headlines and the types of cases related to foreign countries that make headlines. These differences provide two separate contexts from the same news media outlets. This points to the finding that there are still significant stereotypes and myths portrayed by the news media to the public in regards to sexual assault cases, which further shapes public opinion regarding sexual assault and rape cases and perpetuates rape culture. Buchwald, Fletcher & Roth (2005) define Rape Culture as a complex set of beliefs that encourages male sexual aggression and supports violence against women [and girls], a society where violence is seen as sexy and sexuality is violent, and a continuum of threatened violence that ranges from sexual remarks to sexual touching to rape itself. A rape culture condones physical and emotional terrorism against women [and girls] and presents it as the norm (p. xi).

I argue that rape culture, and the language used to talk about rape in society, creates societal and cultural standards of non-contested versus contested cases of rape. What is deemed acceptable stems from the gendered language used in society that creates norms and normative values that have influenced the societal lens in which cases of sexual assault are perceived? Pamela Fletcher (2010) argues that rape culture is a global trend that has gone without examination; thus, rape culture will persist until societal values change. I also argue that a component of this lack of examination is apparent in the American news articles, which further reinforces a difference, or separation, between the problem of sexual assault and rape in the United States and the problem in other foreign countries. The language used in the examples from American newspapers makes it clear that in cases related to foreigners, or outsiders, the rape is clearly marked as a terrible act perpetrated by Others. In the majority of American cases, the language used identifies the act as potentially at the fault of the victim, with sympathetic language used in discussing the perpetrators. Yet, as Fletcher (2010) argues, the problem of sexual assault and rape is a global trend and a global human rights issue, not something that just pertains to one country or culture. The definition of rape culture encompasses all of these concerns of the treatment of women and girls, although the American news media has encouraged, whether purposely or not, values that suggest Americans should not be as concerned

about the issues of rape culture. The news media is simultaneously sensationalizing cases in foreign countries to suggest rape culture is more heightened in other parts of the world.

In cases within the United States, the American news media typically focuses on hegemonic institutions associated with gender performances of hyper-masculinity. This includes the American military, high school athletics, and college athletics. In these news reports the discourse is focused as a sexual assault with phrasing that questions whether or not the cases actually occurred as the victims reported. All of these cases are presented as problematic, or uncertain of the validity of the claims of the victims, due to the victim's situation; either the victim was intoxicated, the victim was in a physical location that was problematic like a party, or the victim is part of a male dominated institution and should understand the masculine cultural values. This also sets up a different frame related to the problem in the United States cases as not part of a societal problem as a whole, but as problems within these particular institutions that do not impact all of American society.

By contrast, the American news media frames sexual assault very differently in foreign countries, such as India, Kenya, Brazil, and China. The news is used in order to advocate for a corrupt patriarchal, societal system that needs to change. The discourse used in these cases is easily equated with sensationalizing the few extreme cases of rape that have occurred, with repeated mention of these few cases in the headlines. In this way, the aftermath of the news media reports are considered beneficial in promoting positive change and implementing new policies. My findings are informed by Mary Crawford's (1995) argument on different discourse models that appear in sexual assault and rape court cases. She argues that the "victim precipitation" model used to be very common, but now the "miscommunication" model is common in explaining why the rapist is not really at fault for the assault (p.108). She contrasts this against a third model, the "social structural" model in which rape is a societal problem. The discourse used in American newspapers follows the models that American cases are victim precipitated or a miscommunication, while there is a social structural model in the discourse of the cases related to other countries. The presentation, and language used, in the news articles then ignores that rape culture is a global problem that needs to be addressed worldwide.

The clearest way of seeing these differences is through analyzing the discourse from a selection of American newspapers. The most significant findings come in the form of phrases used to discuss the actual assaults, the differences in keyword searches that bring up distinct types of news articles, the language used in referencing the accused in America versus the accused in Othered countries, the language use in discussing the victims and perpetrators in the actual legal cases, and the different word choices in labeling the actual legal cases. With the intention of understanding "language as social practice," I used Critical Discourse Analysis as a methodology to compare and contrast news article over a six-month period from *The New York Times* and *The Wall Street Journal* (Wodak & Meyer, 2009, p. 5). Thus, even though the research includes analyzing keywords within *The New York Times* and

*The Wall Street Journal*, this comes with the recognition that the context of language use is especially important here in understanding how rape culture values are perpetuated and sustained through written and spoken discourse.

## 1. Methodology

Using Critical Discourse Analysis (CDA) as a theoretical framework allows for understanding how language shapes humans' worlds and their knowledge. In particular, Wodak and Meyer (2009) argue that using Critical Discourse Analysis requires acknowledging language as social practice and that the context of language use is crucial. Examining the word choices of authors and editors of newspaper articles, and the language choices they make in regards to specific cases of sexual assault and rape, helps in understanding the “dialectical relationship between a particular discursive event and the situation, institution, and social structure which frames it” (Wodak & Meyer, 2009, p. 5). In essence, the discursive event is shaped by the language users, but also shapes them and their audiences. Thus, the language used in these newspaper articles does shape the perception of rape culture and sexual assault and the way we perceive different countries and cultures and the importance of addressing these issues. Not until we recognize that issues of rape culture are a global human rights issue can steps be taken to dismantle the current social and cultural norms and the issues of power in relation to the treatment of women and girls in regards to sexual assault. This includes examining the language use in major American newspapers that reach a broad, often worldwide, audience in an attempt to bring awareness to the ways in which the biased language perpetuates and sustains cultural values related to rape culture.

### 1.1. Methods

In a previously unpublished paper, I identified a distinction between the discourse used in an American newspaper with regards to two sexual assault cases, one from America and one from India. In order to determine if this was a trend in American newspapers, I expanded the data collection. I used The Pew Research Center's Annual Report on American Journalism titled “The State of the News Media from 2013” in order to determine the most widely read newspapers in the United States. *The Wall Street Journal* and *The New York Times* were listed in the Top 3 of the Top 25 Daily newspapers, the Top 25 Daily Digital Edition, and in the Top 10 for Online Newspapers Worldwide. Selecting two top newspapers allowed for triangulating potential bias that could occur from the use of just one newspaper or from using localized newspapers.

In searching for *New York Times* related articles, the Lexis Nexis database was used, and in searching *The Wall Street Journal* ABI Inform database was used. The search range was limited to a 6-month period from mid-August 2013 to mid-February 2014. Within the search, blogs and opinion editorials were removed in

order to eliminate any overt biases in language use. The search was further limited to only articles that focused exclusively on a current sexual assault or rape case, not articles that discussed general concerns or problems with sexual assault or rape in society. This was intended to more clearly focus on the discourse in specific cases in newspapers and to determine differences between the 40 cases that were reviewed.

### 1.2 Limitations

The research only focuses on two major newspapers within the United States and does not consider other major newspaper throughout America, city wide newspapers, or newspapers from foreign countries. While the data collection was open to looking at American newspaper articles about other foreign countries, the results only yielded articles about India, Kenya, China and Brazil. The research also only examines articles from a 6-month time span. This could account for the limited number of articles related to other foreign countries.

### 1.3 Results

The newspaper articles were broken down between the keywords *sexual assault* and *rape* in order to determine if there was a difference in the types of newspaper articles that would come up in the database search. A total of 40 articles focusing on current sexual assault or rape cases were reviewed, with 26 *New York Times* articles and 14 *Wall Street Journal* articles. In *The New York Times* 15 cases appeared under *sexual assault* and 13 cases under *rape*. In *The Wall Street Journal* 6 cases appeared under *sexual assault* and 8 cases under *rape*.

The articles were divided into 4 categories based on the initial search results: 1) *The New York Times*, sexual assault keyword; 2) *The Wall Street Journal*, sexual assault keyword; 3) *The New York Times*, rape keyword; 4) *The Wall Street Journal*, rape keyword. Each article was then copied and pasted into the Kesor Keyword Density Calculator and all keywords that appeared two or more times were recorded and added to a data table based on the four most commonly found subject headings: 1) India cases, 2) Military/military academy cases, 3) College/high school athletics cases, 4) Other foreign country cases. Table 1 breaks down the articles by subject, keyword, and newspaper source.

The subject of *The New York Times* articles under *sexual assault* during the six month period are as follows: (2) an American military general up for court-martial for sexual assault case, (1) the video recording of a potential assault at Seton Hall campus, (1) the Maryville, MO case between a high school football player and a 14 year old female student, (3) a Naval Academy case of 3 football players accused of sexually assaulting a fellow female student, (6) a Florida State quarterback, accused of sexually assaulting a 19 year old woman, (1) an editor in India accused of assault-

ing a co-worker, (1) the case of a legislator charged with numerous counts against seven male victims.

**Table 1.** Newspaper source, Keyword, and Article Type

Type of Case	<i>NYT</i> ‘Sexual Assault’	<i>Wall Street Journal</i> ‘Sexual Assault’	<i>NYT</i> ‘Rape’	<i>Wall Street Journal</i> ‘Rape’
India	1	3	5	6
Kenya			1	1
High School Athletes	1			
Catholic Church		1		
HS Administration Charged			2	1
Student to Teacher			1	
Britain	1		1	
Military	3	1		
College Athlete	6	1		
Military Academy	3			
China			1	
Brazil			1	
College	1			

In the six month period in *The New York Times*, the subject of articles under the *rape* keyword search include: (1) a four year old rape victim in Kenya, (1) the case of village council ordering a rape of a young woman in India, (4) a trial case of a group of young men raping and killing a woman on a bus in India in December 2012, (1) an editor in India accused of assaulting a co-worker, the (2) the Steubenville rape case, between two high school football players and a high school female student, but with a focus on charging the adult administration at the school, (1) a case related to a 14 year old boy accused of raping and killing his teacher in Boston, (1) a Brazil case of 3 men convicted of raping an American student tourist, (1) the case of a legislator charged with numerous counts against seven male victims, (1) a case in China amongst a male member of the parliament and female victim who was considered amongst China’s elite.

In the *Wall Street Journal*, the findings under *sexual assault* include: (2) The arrest of two suspects in the rape of a Danish tourist in India, (1) an Argentine priest accused of sexual abuse of children, (1) a trial case for a group of young men raping and killing a woman on a bus in India in Dec 2012, (1) a settlement reached in the Penn State case of Jerry Sandusky, (1) an American military general up for court-martial for a sexual assault case.

The overall findings for cases under *rape* in *The Wall Street Journal* include: (1) a case of village council ordering a rape of a young woman in India, (2) the arrest of two suspects in the rape of a Danish tourist in India, (1) the arrest of three suspects in the rape of an American tourist in India, the (2) the Steubenville rape case, between two high school football players and a high school female student, but with a focus on charging the adult administration at the school, (1) a case related to a 16 year old girl raped by neighborhood boys in Kenya with minimal punishment of the defendants, (2) a trial case of a group of young men raping and killing a woman on a bus in India in December 2012.

Table 2 then breaks down the twenty most repeated keywords in the four types of articles most commonly found. It then breaks down the average number of times the term is used per article. The most used terms are highlighted in orange.

**Table 2.** Article keyword density by article subject and average appearance

<b>Keywords</b>	<b>India Cases (12)</b>		<b>Military/Academy Cases (8)</b>		<b>College/HS Athlete Cases (7)</b>		<b>Other Foreign Cases (5)</b>	
Sexual Assault	6	0.5	28	4.0	12	1.5	0	0.0
Rape	70	5.8	3	0.4	9	1.1	24	4.8
Man/Men	58	4.8	0	0.0	2	0.3	10	2.0
Woman/Women	84	7.0	8	1.1	4	0.5	6	1.2
Crime	14	1.2	3	0.4	0	0.0	2	0.4
Attack	22	1.8	0	0.0	0	0.0	0	0.0
Police	39	3.3	0	0.0	25	3.1	29	5.8
Girl	2	0.2	0	0.0	10	1.3	10	2.0
Nationality of Defendant	23	1.9	0	0.0	0	0.0	9	1.8
Nationality of Victim	5	0.4	0	0.0	0	0.0	5	1.0
Victim	43	3.6	7	1.0	6	0.8	0	0.0
Charges	0	0.0	7	1.0	18	2.3	0	0.0
Defendant Name	22	1.8	23	3.3	81	10.1	0	0.0
Victim Name	0	0	0	0.0	25	3.1	0	0.0
Military	0	0.0	38	5.4	0	0.0	0	0.0
Position of Defendant	3	0.3	44	6.3	6	0.8	0	0.0
Football	0	0.0	12	1.7	25	3.1	0	0.0
Lawyers/Attorneys	6	0.5	10	1.4	14	1.8	0	0.0
Incident/Report	0	0.0	4	0.6	18	2.3	2	0.4
Complaint/Complainant	0	0.0	0	0.0	9	1.1	0	0.0



## 2. Discussion

### 2.1. Naming keywords

The difference in the type of articles that register when searching sexual assault versus rape, as shown in Table 1, is the most significant finding in the study. The majority of cases under sexual assault are American incidents, specifically those related to the military, military academies, college athletes, or high school athletes. In contrast, the keyword rape brings up foreign cases, with the majority related to India cases. This distinction carries through in the types of keywords used in the actual articles, as rape is used 70 times in 12 articles in regards to India cases, an average of 5.8 times per article, and 24 times in 5 other foreign cases, whereas it is only used 12 times in 15 American cases total. In contrast, sexual assault is the main keyword used to discuss the assaults in American cases, with it only used 6 times in 12 India cases, 0 times in other foreign cases, and 40 times in 15 American (4 times per article). There is still a lower ratio of the number of times sexual assault is stated in the 15 American cases versus the ration of the number of times rape is named in the India and other foreign cases.

The distinction in these keywords leads to the assertion that there is a different perception established in regards to the problems of rape and sexual assault in America versus the problems in foreign countries, particularly in third world countries, which plays out in the discourse. The use of the term *sexual assault* is most often associated with American cases. The term itself is connected to ambiguity or uncertainty in regards to the details of the case. On the contrary, the use of the term *rape* is associated with cases in foreign countries and is used in discourse to define the act as clearly violent and readily recognized as terrible. This reflects Crawford's (1995) mention of a third model, the “social structural” model in which rape is a societal problem in foreign countries, as opposed to being a miscommunication or victim precipitated in the United States cases (p. 109). Deborah Cameron's (2001) suggestion is that this type of discourse reflects a hidden agenda in the news media, where the news media author might not necessarily be aware of the language choice he or she is making, but it is still one that shows a bias. Although it “does not necessarily imply a deliberate decision, or a conspiracy, to represent the world in misleading ways” it still has implications for shaping public opinion (Cameron, 2001, p. 124). It may not have been a deliberate decision on the part of each individual news reporter or editor, but these decisions do impact the way the public opinion is shaped in discussing, processing, and validating different forms of rape and sexual assault that occur in different parts of the world.

Through the use of different terms, the focus in American cases becomes centered on those whose validity is in question, where the term *sexual assault* allows for more gray area. The term *sexual assault* is often paired with titles that do not even include mention of a sexual assault. The keyword is also paired with adjectives that bring the assault into question; phrases such as “alleged sexual assault” in *The New*

*York Times* article on a Seton Hall University student (Zernike, 2013). This same article reads that the young female “told campus authorities she had been assaulted at an off campus party” (Zernike, 2013, p. A32). These phrases do not read with certainty that the female was raped or sexually assaulted, but with speculation and doubt. Further uncertainty is established as the news reads that she attended a party and was drinking. This becomes part of the frame that if girls are attending parties and putting themselves in these situations, sexual assaults become more ambiguous with fault placed on the female victim for being present in that situation. In a similar Naval Academy incident, the title of the article omits that it is a sexual assault at all: “2 Face Court-Martial in Naval Academy Assault Case.” As well, the first line of *The New York Times* article reads: “Two former Naval Academy football players accused of sexually assaulting a female midshipman at an off-campus party” (Steinbhauser, 2013, p.17). The term “accused” allows for speculating as to whether or not the defendants are actually guilty, alongside the phrase related to the victim attending a party. This phrasing reflects the discourse in many other American based articles where the keyword *sexual assault* is used along with minimal additional details regarding the actual assault. This discourse reads as though a miscommunication happened or the victim is to blame (Crawford, 1995).

In contrast, when the keyword *rape* is used, it is almost always in the title of the article. As well, there are adjectives used that heighten the brutality and horror of the assault, which immediately frames the act as violent in the minds of the readers, and very different from what is happening in the American based cases that are being read in the same time frame. In-depth details regarding the attack are also given in these stories, which have the effect of horrifying readers. In the January 24, 2014 article “Village Council in India Accused of Ordering Rape” in *The New York Times* the term *rape* is used 8 times in sentences that also use phrases like “sexual violence and violence against women” and followed by explicit details about the assault (Harris & Kumar, 2014, p. 10). In the September 14, 2013 *Wall Street Journal* article “World News: India Rape Trial Ends with Death Penalties” very explicit details are given regarding the actual rape and assault. While there is no doubt that both of these incidents are violent cases of rape and assault with one leading to the death of the victim, the explicit details used in conjunction with the keyword *rape* are not included in any of the cases where the primary keyword is *sexual assault* thus the general public has less opportunity to form their own opinion regarding the details of these incidents. In the Seton Hall article, the author only uses the term *sexual assault* two times and both keywords are in sentences related to attending parties and underage drinking. There are no expanded details about the assault in order to give a more clear depiction of what happened to the victim the night of the assault. The striking difference in the discourse used in conjunction with the two keywords suggests different frames in America versus foreign countries that reinforce beliefs of a spectrum of authentic versus contested cases of sexual assault. This spectrum is significantly tied to constructing a public opinion that rape culture is not an American issue, but one contained within individual countries or cultures where the problem is evidenced in these explicit newspaper articles.

## 2.2. *Markers for defendant*

Further analysis of the discourse related to the marking and naming of the defendants suggests these markings create additional separation between the American cases versus foreign cases. In foreign cases, the authors used the very general marker *men/man* 68 times in 17 foreign cases versus 2 times in 15 American cases. In American cases, authors used the defendants' names 22 in all 17 foreign cases and 104 in 15 American cases. This naming of defendants goes along with the use of military rank (e.g. general) or sports field position (e.g. quarterback) in many American cases (55 times in American cases compared to 3 in a foreign case). Naming adds familiarity to the American defendants as individuals, and acts as “a powerful ideological tool,” compared to the sense of detachment to the defendants in foreign cases through the use of very general terms (Clark, 1992, p. 184). The exception to this is in the February 18, 2014 *New York Times* article titled “Indian Journalist Charged with Rape of a Reporter” where the editor/journalist's name is mentioned 11 times in the one article, and referenced by his title as “editor” 3 times (Barry, 2014, p. A6). Along with this, his advocacy against sexual assault cases is widely discussed, as well as his association with famous people, such as Robert DeNiro coming to visit India, which implies he is an influential Indian journalist worthy of mentioning by name. Yet, even in his case being the exception in regards to naming the foreign defendant, the title of the article still contains the keyword *rape*, which is consistent with nearly all of the other articles associated with India. Thus, the type of case is still set apart as different from those where the defendants are named in American based cases.

It is very common in the American based cases, where the football player or military personnel will be mentioned by both name and status as a way of providing familiarity with the individual. Alongside this, Crawford (1995) notes that there is often missing agency through the use of passive voice where women get raped, but there is no true perpetrator attached to the act. She argues that this kind of discourse has the effect of distancing or dismissing certain kinds of rape or sexual assault and removing culpability (Crawford, 2005). An example of this occurs in the previously mentioned October 11, 2013 *New York Times* article regarding the Naval Academy party. The first sentence of the article starts out by giving the status of the players, referring to them as “Two former Naval Academy football players” and later refers to them as “Midshipman Graham and Midshipman Tate” another reference of familiarity that they were honorable young men attending a reputable military institution (Steinhauer, 2013, p. A17). The article continues on with discourse of victim precipitation that in effect removes any agency from either male involved. The article reads: “The case stems from a ‘yoga and toga’ party...where the woman, then a 20-year-old student, arrived intoxicated and later had sex with some of the players.....she said she had no memory of parts of the evening” (Steinhauer, 2013, p. A17). This discourse suggests that they have only been accused of an assault, but that there is ambiguity of whether or not they really committed the act and removes any agency from the perpetrators while placing the blame on the woman's circum-

stances. In fact, the article clearly states that she had “sex” with the defendants rather than phrasing the incident as the defendants assaulting her.

The major distinctions between the American cases and the majority of foreign cases and defendant naming fits with Shannon O’Hara’s (2012) concerns of portraying the perpetrator as “a devious monster.” This is in contrast to the bachelor who was just sowing his oats, but intended no real harm (O’Hara, 2012, p. 256). The American men are portrayed as those who just ended up in a situation, or as Bing and Lombardo (1997) suggest, a case where “boys will be boys” or where there was a misunderstanding (p. 299). James Catano (2001) argues that these discourses of masculinity normalize cultural and social behavior, informed by Judith Butler’s notion that sexual assault and rape are used to regulate sex and gender performativity. However, the way these cases are discussed in the news media suggests that they are differences in masculine gender performance, where one is not as much an act of power over the other gender, as if a line is, and can, be drawn. The evidence regarding the distinctions between framing masculinity in American culture and foreign culture argues that the news media is shaping rape culture differently in America, as opposed to the performances of masculinity in other foreign countries.

### 2.3. Markers for victims

In order to gather a holistic picture of the articles’ discourse, the markers for the victims were also analyzed. Similar to the markers for defendants in the foreign cases, the marker *women/woman* is more often used in foreign cases versus American cases (90 times in 17 foreign cases; 12 times in 15 American cases). It should be noted that according to several articles, Indian law forbids referencing the victims by name, although the same is not true for American cases. However, in American cases, references to the victim are minimized altogether with the term *victim* only used 13 times, *girl* used 10 times, *woman* used 12 times and the victim mentioned by name only 25 times in over 15 American cases. The lack of discussion of the American victim altogether invokes James Catano’s (2001) argument that myths of rape and sexual assault help to minimize victim injury. In Bing and Lombardo’s (1997) “Frames for Understanding” article, they use *the initiator frame*<sup>1</sup> to argue for a frame in newspaper articles where “the effect of the behavior on the recipient is minimized” (p. 299). The lack of naming victims also invokes Kate Clark’s (1992) argument that naming is a powerful tool. I would argue it is just as powerful when the victim remains nameless or without labels at all.

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<sup>1</sup> In Bing and Lombardo’s 1997 article “Talking Past Each Other about Sexual Harassment: An Exploration of Frames for Understanding” they examine four frames found in newspaper articles regarding sexual assault cases: the initiator frame, defining the misbehavior as acceptable and implying no change is necessary; the judicial frame, which compares legal policies and suggests reactive changes; the social science frame, structured around reliable and valid definitions; and the victim frame, which emphasizes harm to the victim and the need for social change.

In the American case regarding a Florida State University quarterback, there were five articles written between November 14, 2013 and December 6, 2013 by *The New York Times*. The emphasis in all of these articles is on whether or not the quarterback is guilty or innocent with little to no mention of the victim at all. Conversely, there is significant focus on the name of the defendant, his position and status on the football team, the fact that he was a Heisman trophy winner, and how the case has affected his public persona. In fact all of the articles are listed in Section B, under the Sports Desk section of the newspaper, as if this were an issue pertaining to sports rather than the welfare of an assaulted victim. Only one of five articles even mentions a sexual assault in the title. Even in this title the football player is referenced as the “F.S.U. Star” (AP, 2013). In contrast, the victim is only mentioned in the title in one article: “Prosecutor Plans to Interview F.S.U. Quarterback’s Accuser.” The reference to her as the accuser has a negative connotation. In this same article, she is only referenced as the *complainant* until mentioned as a *victim* during a statement by the investigator responding about why the case has not moved forward in 11 months. The investigator notes: “The victim in this case is a witness. The victim does not run the case. The victim does not open and close the case.” He continues on to reference the victim: “The victim’s wishes and desires are considered. But that is not a controlling factor at all” (Glier, 2013, p. B3). Stated in this way, the language implies that the victim is actually a negative factor in the case, rather than language use that recognizes the trauma of the victim. The language used also avoids any potential culpability placed on the quarterback.

This omission of the victim, or negative discussion of the victim, is true for all American cases, except in the case of American tourists, where the nationality of the victim was given to mark her identity as a victim who had an act of violence done to her by a foreigner. This is true for both cases where an American tourist is named as being raped by a group of Brazilian men in *The New York Times* August 16, 2013 newspaper report titled “Brazil Convicts 3 in Gang Rape of U.S. Student,” as well as in December 18, 2013 *The Wall Street Journal* article titled “India Convicts 3 Men in Rape of an American.”

In regards to the 25 times an American victim is named, all 25 markings come from two *New York Times* articles related to the Maryville, Missouri case of a 14-year old high school female student being sexually assaulted by a senior high school male football player, who is also accused of leaving the girl out on her doorstep passed out (Eligon, 2013; Eligon, 2014). The fact that this is the only case in the collection of articles that involves drinking alcohol and an underage girl attending a party, also provides a connection to the level of judgment from both the newspaper and, thus the general public, regarding the validity of the claim of sexual assault. This distinction in markers between American victims and foreign victims also calls to mind Shannon O’Hara’s (2012) notion of binaries between virginal or bad girl victims. In the case where the victim is framed as “only bad girls get raped,” blame is moved towards the victim because she is either lying, wanted it and changed her mind, or both (p. 248). This would hold true for the Missouri case where the victim

is named only because it is not clear she is a victim at all. O'Hara (2012) notes that the other common stereotype is of the virginal woman. It could easily be argued that the lack of descriptive details about the foreign women, while also mentioning them by *woman* or *victim* positions them all as virginal women, against the invisible, minimalized position of the American woman, who virtually does not exist in American based cases, except in the case of American tourists, where they are also positioned as virginal women. This binary between the types of female victims reinforces the 'us' versus 'them' binary of the types of sexual assault that occur in the United States and those that occur outside of the United States.

#### 2.4. Case terminology

In analyzing the discourse related to the cases, terminology like *attack* is used 22 times for foreign cases and 0 times for American cases and *crime* was used 16 times in foreign cases versus 2 in American cases. Instead the use of *incident* was more common in regards to the American cases, used 22 times in American cases versus only 2 times in foreign cases. As well, the term *complaint* or *complainant* was only used in American cases (9 times) and the discussion of lawyers/attorneys was used 24 times in American cases versus only 6 times in the foreign cases. The discourse in the American cases is more tied up in frames that question the legitimacy of the claim, or the level of harm done to the victim. Instead, the use of terms like *crime* and *attack* secures in the reader's mind the belief of these foreign cases being definite, valid cases of rape. In the September 15, 2013 *Wall Street Journal* article, the title itself "World News: India Rape Trail Ends with Death Penalties—Judge Sentences Four Men to the Maximum in Murder Case That Prompted Reappraisal of a Society's Attitudes to Women," immediately sets up a *social science* and *victim* frame, where justice is served to the defendants and where societal norms are the focus of the article (Bing & Lombardo, 1997).

In the cases of those that dealt with college or high school sports, the term *football* was used overall 25 times, or an average of 3.1 times an article, whereas the term *sexual assault* was less than half of that amount (12 times), an average of 1.5 times per article, and *rape* was used even less (9 times), or 1.1 times per article. The same holds true for cases related to the military, where the term *military* was used 38 times, or 5.4 times per article, whereas *sexual assault* was referenced 28 times, or 4 times per article on average. In these cases rape was only mentioned 3 times, or .4 times per article. The emphasis on the institution in which the sexual assault cases occur, along with a focus on the perpetrator's name and rank, rather than explicit details of the sexual assault or focusing on the victim, suggest that the majority of American cases are framed as *initiator frames*, or with a question of how valid the cases are in regards to sexual assault (Bing & Lombardo, 1997). In the September 25, 2013 *New York Times* article "General's Court-Martial Delayed in Sexual Assault Case" the term *military* is mentioned 12 times, the rank of *general* is mentioned 9 times, the defendant is mentioned by last name 8 times, but the term *sexual*

*assault* is only mentioned twice in the same phrase with adultery (Goode, 2013, p. 22). The female captain he is accused of sexually assaulting is only mentioned in connection to having an affair with him and trying to blackmail him by accusing him of sexual assault, which immediately reduces the credibility of the victim.

The discourse in the military case is that of a potential misunderstanding or miscommunication (Crawford, 2005), with the defendant’s blame cast aside, or focused on him as a “playboy,” because of his status in the military. In contrast, the foreign case that has drawn the most media attention is one particular India case, which exemplifies the most extreme violence towards a rape victim and marks all Indian men as Othered “devious monsters.” Although these references to the perpetrators maybe a hidden agenda by the newspaper reporters or newspaper, the stark difference in case terminology allows for readers to form public opinions and judgments regarding the validity of sexual assault cases and frames American cases as different and separate from foreign cases. This reinforces a spectrum of authentic versus contested cases, with the majority of authentic cases concentrated in foreign countries where it is blamed on masculinity and patriarchy. This masculinity is framed differently in American cases and allows for contesting the validity of assaults and, thus, provides the public a logical place to argue that rape culture is not a concern in American society.

## Conclusion

In examining these cases, it is important to consider the Cult of Masculinity that perpetuates these rapes and sexual assaults, but in different ways in America and in foreign countries. In the cases of rape in India, Brazil and Kenya, similar practices of men joining together is seen as threatening because of the traditional, patriarchal society, but in America the cases that get the most media attention are related to masculine institutions; thus dismissed as something that is a normalized part of the cultural behavior. These masculine performances of behavior are normalized for males in American society versus the suggestion that in countries like Kenya and India the masculine performances of gender are reflections of something inherently wrong with their societal system. This further perpetuates the distinctions between the authentic versus contested cases that continue to be popular in the American news media. Kersten (1996) argues that the visibility of male-dominated criminal violence differs substantially from culture to culture, yet these masculinities are all acting agents of power and domination. The American and the foreign defendants might be framed differently by the news media, but they are all acts of male-dominated violence and performances of masculinity. Eradicating these differences and using a discourse that recognizes all sexual assault and rape cases as a global human rights issue is the only way to stop the normalizing of rape culture values.

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